

AUG 06 2007

Application No. 10/697,664

Amendment dated August 6, 2007

Reply to Office Action of November 10, 2006

REMARKS

Applicant amended independent claims 1, 23, and 30, and added new claims 40-43 to further define Applicant's invention.

In the Office Action, the Examiner rejected claims 1-7 and 23-39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,311,761 to Steininger et al. ("the Steininger reference"). The Examiner indicates that "it would have been obvious to make every parts (sic) of the piston with the same material (i.e. beryllium copper) such that they all have the same thermal expansion coefficient and thereby obtain a better joint between parts during the casting cycle," and that "also, it would have been obvious to made (sic) the adapter with beryllium copper alloy in view of its combination properties of excellent thermal conductivity and the (sic) mechanical strength."

In response, Applicant submits the attached Declaration includes arguments supporting the traversal of the Examiner's rejection under 35 U.S.C. § 103(a). Applicant submits in the Declaration that, in discussions with the listed inventors of the Steininger reference regarding the "ball and socket" adapter disclosed therein, beryllium copper was never mentioned as a workable alternative to forged steel for the components thereof. Furthermore, Applicant submits that the properties of beryllium copper foreclosed on its consideration for the "ball and socket" adapter of the Steininger reference. Accordingly, Applicant submits that the Examiner's rejection of claims 1-7 and 23-39 has been traversed.

Additionally, to expedite prosecution, Applicant has amended independent claims 1, 23, and 30 to recite that the adapter is "configured to maintain said distal end and said proximal end in fixed relationship with one another." Applicant respectfully submits that the "ball and socket" adapter of the Steininger reference of figure 2 is not configured to maintain the distal end and the proximal end thereof in fixed relationship to one another. To the contrary, the Steininger reference discloses that "the body 15 [of the "ball and socket" adapter] with head 17 thereon (attached to the forward end of the plunger rod 3) is articulated on fitting 37 by means of the ball and socket mount for self-alignment thereof in the shot sleeve 5 (stated another way, for misalignment

Application No. 10/697,664
Amendment dated August 6, 2007
Reply to Office Action of November 10, 2006

correction)." (See the Steininger reference, col. 4, lines 34-38). As such, body 15 with head 17 is not in fixed relationship to fitting 17. Accordingly, Applicant submits that the Steininger reference does not teach or suggest an adapter as recited in Applicant's amended independent claims 1, 23, and 30.

In conclusion, Applicant submits that in light of the Declaration and the above-discussed arguments, independent claims 1, 23, and 30 are patentable and that dependent claims 6-7, 24-29, and 31-43 dependent from independent claim 1, 23, or 30, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim. Therefore, in view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: August 6, 2007

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030